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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,369	11/19/2003	Sundeep M. Bajikar	P17644	9547
59796	7590	07/05/2007		
INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER TO, BAOTRAN N	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/718,369

**Applicant(s)**

BAJIKAR ET AL.

**Examiner**

Bao tran N. To

**Art Unit**

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/08/04, 04/25/05, 06/19/07</u> .                            | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-29 are pending in the application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/08/2004, 04/25/2005, and 06/19/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 11-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-15 are directed to a computer-accessible medium storing information, which is defined by the specification such as "A machine-readable medium may include any mechanism for storing or transmitting information in a form readable by a machine (e.g., a computer). For example, a machine-readable medium may include read only memory (ROM); random access memory (RAM); magnetic disk storage media; optical storage media; flash memory devices; electrical, optical, acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.), and others" (Paragraph 0019). A claimed signal has no physical structure, does not itself perform any useful, concrete and

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tangible result and, thus, does not fit within the definition of a machine (See Interim Guidelines for Examination of Patent Applications).

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: "without the use of a discrete hardware SIM device" lines 3-4 should be ---without use of a discrete hardware SIM device---. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalavade et al. (U.S. Patent Application Publication 2003/0051041 A1) hereinafter Kalavade.

Regarding Claims 1 and 11, Kalavade discloses a method comprising:

establishing a protected communications channel (SSL) with a computing system (Figure 1, paragraph 0409), the computing system providing SIM AAA capabilities without the use of a discrete hardware SIM device (paragraph 0103); and  
provisioning SIM secret data to the computing system over the protected communications channel (paragraphs 0123 and 0113).

Regarding Claim 5, Kalavade discloses a method comprising:  
using SIM capabilities provided by a computing system without a discrete hardware SIM device for user authorization (paragraph 0103), authentication and accounting in association with a subscription account (paragraph 0063); and  
providing a subscription account for access by the computing system (paragraph 0180).

Regarding Claim 16, Kalavade discloses a method comprising:  
authenticating and authorizing a user of a subscription account at least in part by using Subscriber Identity Module (SIM) compliant authentication and authorization capabilities on a computing system that provides the SIM-compliant authentication and authorization capabilities without the use of a discrete SIM hardware device (paragraphs 0103 and 0104); and  
providing user access to the subscription account upon receipt of predetermined credentials (paragraph 0103).

Regarding Claim 20, Kalavade discloses an apparatus comprising:  
a server having access to a network (Figure 1, element 10); and  
a provisioning module stored on the server, the provisioning module, when executed by the provisioning server, to participate in provisioning Subscriber Identity Module (SIM) secret data to a computing system, the computing system to provide SIM-compliant authentication, authorization and accounting capabilities without the use of a discrete hardware SIM device (paragraphs 0103 and 0104).

Regarding Claims 2 and 12, Kalavade discloses the limitations of Claim 1 above. Kalavade further discloses wherein provisioning SIM secret data includes provisioning at least one of identity secrets, key secrets, information to initialize data objects, information to initialize operator-specific cryptography algorithms, and information to install or update applications, parameters, tools or utilities (paragraph 0409).

Regarding Claims 3 and 14, Kalavade discloses the limitations of Claim 1 above. Kalavade further discloses wherein establishing a protected communications channel includes using a protected key exchange mechanism (paragraph 0236).

Regarding Claims 4 and 13, Kalavade discloses the limitations of Claim 1 above. Kalavade further discloses wherein provisioning SIM secret data includes encrypting the SIM secret data (paragraph 0174).

Regarding Claim 6, Kalavade discloses the limitations of Claim 5 above. Kalavade further discloses wherein providing the subscription account includes providing a wireless network access account (paragraph 0176).

Regarding Claim 7, Kalavade discloses the limitations of Claim 6 above. Kalavade further discloses wherein using SIM capabilities provided by a computing system includes using SIM capabilities provided by a laptop computing system (Figure 1, element 16).

Regarding Claim 8, Kalavade discloses the limitations of Claim 5 above. Kalavade further discloses 5 wherein providing the subscription account includes providing a wired network access account (paragraphs 0176 and 0444).

Regarding Claim 9, Kalavade discloses the limitations of Claim 5 above. Kalavade further discloses wherein using SIM capabilities includes using a protected execution environment provided by a laptop computing system (paragraphs 0176 and 0277).

Regarding Claim 10, Kalavade discloses the limitations of Claim 5 above. Kalavade further discloses wherein providing the subscription account includes providing location-based services (paragraph 0364).

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Regarding Claim 15, Kalavade discloses the limitations of Claim 11 above.

Kalavade further discloses wherein establishing a protected communications channel includes receiving authentication information from the computing system (paragraph 0410).

Regarding Claim 17, Kalavade discloses the limitations of Claim 16 above.

Kalavade further discloses wherein providing user access to the subscription account includes providing user access to a wireless network account (paragraph 0018).

Regarding Claim 18, Kalavade discloses the limitations of Claim 17 above.

Kalavade further discloses wherein providing user access to wireless network account includes providing access to one of a GSM/GPRS network, a 3G network and a Personal Handyphone Network (paragraph 0059).

Regarding Claim 19, Kalavade discloses the limitations of Claim 16 above.

Kalavade further discloses wherein providing user access to the subscription account includes providing user access to a location-based services account (paragraph 0018).

Regarding Claim 21, Kalavade discloses the limitations of Claim 20 above.

Kalavade further discloses wherein the network is one of a GSM/GPRS, 3G, Personal Handyphone System (PHS) and a CDMA network (paragraph 0059).



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Regarding Claim 22, Kalavade discloses the limitations of Claim 20 above. Kalavade further discloses wherein the network is a wireless network (Figure 1, paragraph 0095).

Regarding Claim 23, Kalavade discloses the limitations of Claim 20 above. Kalavade further discloses wherein the network is a wired network (Figure 1, paragraph 0095).

Regarding Claim 24, Kalavade discloses the limitations of Claim 20 above. Kalavade further discloses wherein the provisioning module, when executed by the server, further operates to encrypt the SIM secret data to be provided to the computing system (paragraph 0210).

Regarding Claim 25, Kalavade discloses the limitations of Claim 24 above. Kalavade further discloses wherein the provisioning module, when executed by the server, further operates to participate in a bilateral key exchange with the computing system over the network (paragraph 0236).

Regarding Claim 26, Kalavade discloses the limitations of Claim 20 above. Kalavade further discloses wherein the computing system is further to store the SIM secret data in an encrypted format on a mass storage device of the computing system (paragraph 0217).

Regarding Claim 27, Kalavade discloses the limitations of Claim 27 above. Kalavade further discloses wherein the computing system is further to store an encrypted bulk encryption key to be used to decrypt the encrypted SIM secret data (paragraph 0210).

Regarding Claim 28, Kalavade discloses the limitations of Claim 28 above. Kalavade further discloses wherein the computing system further includes a hardware token to provide a second key to encrypt the bulk encryption key (paragraph 0198).

Regarding Claim 29, Kalavade discloses the limitations of Claim 20 above. Kalavade further discloses wherein the server is further to control access by the computing system to a service (paragraph 0017), the server to provide access to the service by the computing system upon authorization and authentication of the computing system using the SIM-compliant authentication, authorization and accounting capabilities (paragraph 0261).

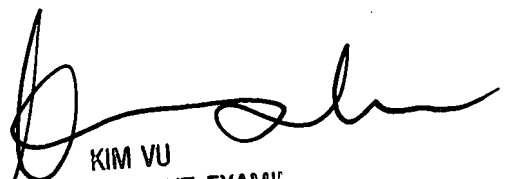
#### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BT  
06/21/2007

  
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